

REMARKS

The Examiner rejected independent claims 1, 13, and 37 as being obvious over Hendrey in view of Chandhok. Applicant has cancelled claims 1-41 and adds new claims 42-68 without adding new matter.

Each of the new independent claims 42, 55, and 64 are directed to a push-to-talk (PTT) controller configured to establish a local ad hoc group session between an inviting mobile terminal and one or more other mobile terminals located within a local area of the inviting mobile terminal. A presence server identifies a group of mobile terminals within a local area of an inviting mobile terminal. From this identified group, a group server creates an ad-hoc group for an ad-hoc group communication session with the inviting mobile terminal. Because the group is created ad-hoc, it can include mobile terminals that are both known and unknown to the inviting mobile terminal. Thus, an inviting mobile terminal is not restricted to communicating with only known mobile terminals. This ability to create ad-hoc groups “on-the-fly” is one feature that differentiates the claimed invention from the cited art.

Hendrey discloses a system in which only known terminal units (TUs) are invited to a group session. An initiating TU establishes a conventional cellular communication session with other geographically proximate TUs. However, for a TU to be invited to the session, it must be part of a predetermined group known to the inviting mobile terminal *a priori*. Hendrey evidences this fact by maintaining a list that identifies the members of the predetermined group and their corresponding phone numbers (i.e., an address book). If any of those parties happen to be near the initiating TU, the initiating TU will establish a communication session. *Hendrey*, p. 5, ¶[0064]. Hendrey does not teach or suggest the ability to contact any TU unless the inviting TU already has the name and number of the TU.

Chandhok fails to remedy the deficiency of Hendrey. In Chandhok, a user who is traveling can request information about a desired service category (e.g., traffic or weather

information, road service, emergency assistance, chat services, etc.). A service provider who can fulfill that request is selected based on the distance of the service provider from the requestor and on a direction of travel of the requestor. Indeed, for the service provider to be selected for the user, the service provider must already be known.

Thus, both Hendrey and Chandhok disclose systems that enable terminals to create ad-hoc communication sessions among predetermined group members – but not ad-hoc groups to participate in those sessions. By limiting communications to those known beforehand, both references stand in stark contrast to creating a group *ad-hoc* – i.e., “on-the-fly” and with no requirement that the inviting mobile terminal know another invited mobile terminal. And because neither reference alone teaches or suggests this element, any combination fails to teach or suggest this element. Therefore, each of the new independent claims claims 42, 55, and 64, and their respective dependent claims, are patentably non-obvious over Hendrey in view of Chandhok, alone and in combination.

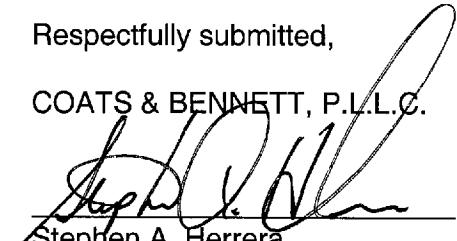
Additionally, claim 64 is non-obvious for another reason. Particularly, the group server in claim 64 includes a mobile terminal in the ad-hoc group based on whether the mobile terminal is capable of communicating a desired media type. Chandhok, in contrast, allows the user to request information having a specific media type. These two concepts -- inclusion in a group based on capability and the manual request of a specific media -- are completely unrelated. One does not teach or suggest the other.

Chandhok does not support the rejection, and any attempt to maintain such a contention would not survive appeal. Moreover, the Examiner admits that Hendrey does not teach or suggest this aspect. As such, neither Hendrey nor Chandhok teaches or suggests, alone or in combination, claim 64 or any of its dependent claims. Therefore, claim 64 and its dependent claims are patentably non-obvious over the cited art.

In light of the foregoing amendments and remarks, all new claims are patentable over the cited art. Accordingly, Applicant requests allowance of all pending claims.

Respectfully submitted,

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